
(1999) 10 PAT CK 0010
In the Patna High Court
Case No : C.W.J.C. No. 2987 of 1999

Abdul Sattar Wahidi

APPELLANT

Vs

Bihar State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 29-10-1999

Acts Referred:

Citation : (2000) 1 BLJR 251

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—The petitioner of this writ petition was appointed as Conductor in the respondent-Bihar State Road Transport Corporation. On certain charges a departmental proceeding was initiated against him and was dismissed on 20th of June, 1977. Against the said dismissal, the matter went to the Labour Court vide Reference Case No. 22 of 1990, in which after adjudication the Labour Court directed for petitioner's reinstatement in service with half back wages vide award dated 30th of October, 1993. The respondent-Corporation filed writ petition bearing C.W. J.C. No. 5869 of 1994, in this Court against the said award which was admitted and is pending for final disposal. However, during the pendency of the writ petition the petitioner retired on 31-12-1994. Thereafter, he filed representation for his post-retiral dues besides other dues. When no action was taken on his said representation, he filed the present writ petition seeking direction to the respondents to pay his post-retiral dues besides other dues.

2. In spite service of notice, no counter-affidavit has been filed on behalf of the respondent-Corporation. Learned Counsel for the Corporation, however, submitted that on account of paucity of fund and in view of the pendency of the writ petition filed on behalf of the Corporation, the Corporation has not been able to determine the dues of the petitioner and pay the same to him. It was, however, admitted that there is no interim order passed by this Court in the said writ petition. Under such circumstances, this Court fails to appreciate as to how the payment or dues of the petitioner has been kept withhold now for over five

years.

3. Learned Counsel for the Corporation informs that as per the guideline fixed by the apex Court the funds for payment of dues of the employees retired till 31st of March, 1997 have been released from the State Government and are being paid to such employees. Under such circumstances, this Court does not find any cogent reason to withhold the payment of dues of the petitioner.

4. Accordingly, this writ petition is disposed of with a direction to the respondent-Corporation to determine the admitted dues of the petitioner and pay the same within four weeks from the date of receipt/production of a copy of this order.